

CASE NO.: AM9-99-0122
Serial No.: 09/448,253
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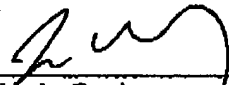
PATENT
Filed: November 24, 1999

required by MPEP §2136.03(III) (8th Edition, Revision 2 dated May, 2004) (an alleged prior art patent or patent publication is entitled to the filing date of an earlier-filed provisional filing date *only* "if the provisional application properly supports the subject matter relied upon to make the rejection in compliance with 35 U.S.C. §112, first paragraph").

Should the examiner persist in the rejections, Applicant respectfully suggests that the next Office Action should not be made final, since all relevant requirements of the MPEP have not yet been complied with in the current rejections, giving Applicant an insufficient basis on the record to amend any claims or otherwise distinguish the present claims over Cookson.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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